P. LINT COOPERATION TREAT

From the INTERNATIONAL BUREAU **PCT NOTIFICATION OF ELECTION Assistant Commissioner for Patents** United States Patent and Trademark (PCT Rule 61.2) Office **Box PCT** Washington, D.C.20231 **ETATS-UNIS D'AMERIQUE** Date of mailing (day/month/year) in its capacity as elected Office 07 June 2000 (07.06.00) International application No. Applicant's or agent's file reference PCT/EP99/07980 NV/P-21868/A International filing date (day/month/year) Priority date (day/month/year) 21 October 1999 (21.10.99) 02 November 1998 (02.11.98) **Applicant** HÜGLIN, Dietmar et al 1. The designated Office is hereby notified of its election made: X in the demand filed with the International Preliminary Examining Authority on: 08 May 2000 (08.05.00) in a notice effecting later election filed with the International Bureau on: 2. The election was not made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Olivia RANAIVOJAONA

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Facsimile No.: (41-22) 740.14.35

ENT COOPERATION TRE





INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or	agent's file reference		See Notifica	ation of Transmittal of Internation	nal
HP/2-2186	8/A	FOR FURTHER ACT	CTION Preliminary Examination Report (Form PCT/IPEA/416)		
International	application No.	International filing date (da	y/month/year)	Priority date (day/month/year)	
PCT/EP99	/07980	21/10/1999		02/11/1998	
International A61K7/00	Patent Classification (IPC) or na	tional classification and IPC			
Applicant					
CIBA SPE	CIALTY CHEMICALS HO	LDING INCet al.			
1. This int and is t	ernational preliminary exam ransmitted to the applicant a	ination report has been paccording to Article 36.	repared by this Inte	rnational Preliminary Exami	ning Authority
2. This RI	EPORT consists of a total of	8 sheets, including this	cover sheet.		
be (se	☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheets.				
3. This re	port contains indications rela	ating to the following items	s:		
	☑ Basis of the report☐ Priority				
	•	oninion with regard to nov	eltv. inventive step	and industrial applicability	
IV	□ Lack of unity of inventi		,	,, ,	
٧	Reasoned statement uncitations and explanations	inder Article 35(2) with reg ons suporting such stater	gard to novelty, invenent	entive step or industrial appl	icability;
VI	☐ Certain documents cit	ed			:
VII	☐ Certain defects in the i	• •			
VIII	☑ Certain observations of	on the international applica	ation		
Date of subn	nission of the demand		Date of completion of	this report	
08/05/2000 19.10.2000					
Name and mailing address of the international preliminary examining authority: Authorized officer				STORES MICHEMAN	
<u>a))</u>	European Patent Office D-80298 Munich		Ortega Plaza, M.	D.	

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/07980

I.	Bas	is f the report	
1.	resp	onse to an invitation	rawn on the basis of (substitute sheets which have been furnished to the receiving Office in on under Article 14 are referred to in this report as "originally filed" and are not annexed to o not contain amendments.):
	Des	cription, pages:	
	1-39)	as originally filed
	Clai	ms, No.:	
	1-15	5	as originally filed
2.	The	amendments have	e resulted in the cancellation of:
		the description,	pages: Nos.:
		the claims, the drawings,	sheets:
3.		This report has be considered to go b	en established as if (some of) the amendments had not been made, since they have been beyond the disclosure as filed (Rule 70.2(c)):
4.	Add	itional observations	s, if necessary:
181.	Nor	n-establishment o	f opinion with regard to novelty, inventive step and industrial applicability
Th or	e qu to be	estions whether the industrially applicate	e claimed invention appears to be novel, to involve an inventive step (to be non-obvious), able have not been examined in respect of:
		the entire internat	ional application.
	☒	claims Nos. 2, 3,	4,5-13.
be	caus	se:	

☐ the said international application, or the said claims Nos. relate to the following subject matter which does

not require an international preliminary examination (specify):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

	×	the description, claims or drawings (<i>indicate particular elements below</i>) or said claims Nos. 2, 3, 4, 5-13 are so unclear that no meaningful opinion could be formed (<i>specify</i>):
		see separate sheet
		the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
		no international search report has been established for the said claims Nos
٧.	Lac	k of unity of invention
1.	In re	esponse to the invitation to restrict or pay additional fees the applicant has:
		restricted the claims.
		paid additional fees.
		paid additional fees under protest.
		neither restricted nor paid additional fees.
2.	×	This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3.	This	s Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
		complied with.
	Ø	not complied with for the following reasons:
		see separate sheet
4.		nsequently, the following parts of the international application were the subject of international preliminary Imination in establishing this report:
	×	all parts.
		the parts relating to claims Nos

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/07980

V. Reasoned statem nt under Articl 35(2) with regard to n velty, inventive st p or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: (

Claims

No:

Claims 1, 14, 15

Inventive step (IS)

Yes: Claims

No: Clai

Claims 1, 14, 15

Industrial applicability (IA)

Yes:

Claims 1, 14, 15

No: Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re It m III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claim 5 relates to the use of the light stabilizer according to claim 1 in body-care 1. products for the skin and its adnexa. Having regard for the fact that body-care products comprising the light stabilizers according to claim 1 are known as components of body-care compositions, claim 5 does not define in a clear manner the contribution made to the art by the present invention. Use claims should clearly define the new and inventive technical effect linked to the invention.

An analogous objection applies to claim 12 which relates to the use of the light stabilizer according to claim 1 in household cleaning and treating agents.

The above analysis applies mutatis mutandis to claims 6 to 11 as dependent on claim 5 and to claim 13 as dependent on claim 12.

- Claim 4 lacks clarity, since although it has been worded as dependent claim of 2. claim 1 it is not encompassed by claim 1 (cf. definitions of L_1).
- Dependent claims 2 and 3 also lack clarity, since the substituent R₂ which is fixed 3. at position ortho to the hydroxy group in the compounds of formula (1) in claim 1 appears free to be linked in any of the other meta and para positions.

Re Item IV

Lack of unity of invention

In view of the fact that Benzotriazole and Triazine derivatives are known as light stabilizers and as UV filters the present application relates to a multitute of inventions which are not linked by a single inventive concept. The reasons lie in the fact that there are separate closest prior art documents and separate technical problems to be solve which relate to a selection of derivatives for their use as enhanced stabilizers of compositions suitable for several uses.

EXAMINATION REPORT - SEPARATE SHEET

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents have been considered for the establishment of the 1. present preliminary report:

D1 = FR-A-2194442

D2 = GB-A-2286774

D3 = US-A-3983132

D4 = US-A-5760111

D5 = US-A-5688995

D6 = WO-A-9628431

D7 = US-A-5142059

Claims 14 and 15 lack novelty in the light of the cited prior art, since a known 2. product does not become novel in view of an effect of one of its components. Compositions and products suitable for body-care and/or household cleaning comprising the light stabilizers as defined in claim 1 are known (cf. D1, D2, D3, D4, D5, D6).

D1 discloses benzotriazol derivatives as those of formula (1) according to claim 1 and its use as solar filters.

D2 discloses triazine derivatives as those of formula (2) as UV absorbers components in sunscreen compositions.

The use "for protecting body-care and household products from photolytic degradation" can be consider to be novel vis-à-vis the contents of D1, D2 in view of the fact that the mentioned prior art discloses the compounds as solar filters, i.e. as UV filters, more specifically UV-filters for the skin.

D3 discloses i.a. the use of 2-(5'-dodecyl-2'-hydroxyphenyl)benzotriazole as light stabilizer for liquid compositions (see compound of formula (1) of present claim 1, wherein m is 1 and R₂ is H). Its use as stabilizers for cosmetic compositions is

explicitly mentioned in column 2 of D3. Hence, D3 destroys the novelty of the subject-matter of claim 1.

D4 anticipates the subject-matter of claim 1, since it discloses triazine derivatives as those of formula (2) and their use as light stabilizers, i.a. for cosmetic compositions (cf. column 17). D4 also discloses mixtures of triazines and benzotriazoles as UV absorbers and compositions containing them.

D5 anticipates the subject-matter of claim 1, since it discloses triazine derivatives as those of formula (2) according to present claim 1 and their use as UV absorbers and light stabilizers i.a. in cosmetics.

D6 discloses triazine derivatives as light stabilizers and UV absorbers in and for compositions of different types. Accordingly its contents are contrary to the novelty of the presently claimed subject-matter.

D7 discloses benzotriazole derivatives as those of formula (1) of present claim 1 as UV absorbers and light stabilizers for wool and polyamide fibers.

The presently claimed use (claim 1) is implicit to the use as light stabilizers, a different wording does not bring novelty over known uses.

The solution to the problem of providing light stabilizers for body care products 3. and households products by using the known UV absorbers and light stabilizers is evident from the cited prior art.

Re Item VII

Certain defects in the international application

A reference to D1-D7 is lacking in the description.

R It m VIII

Certain observations on the international application

- 1. Claim 1 contains some errors: R₈ should read R₃ most probably and no subindex "p" which has been defined as 1 to 3 can be found in the formulae.
- 2. The fact that the compounds are in fact used "as light stabilizers" is lacking in claim 1. This is an essential feature of the invention (Article 6).

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below							
NV/P-21868/A ACTION							
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)					
PCT/EP 99/07980	21/10/1999	02/11/1998					
Applicant							
CARA CRECALLEY OURMANA							
CIBA SPECIALTY CHEMICALS	HOLDING INCet al.						
This International Search Report has bee according to Article 18. A copy is being tra	n prepared by this International Searching Aut ansmitted to the International Bureau.	hority and is transmitted to the applicant					
This International Search Report consists X It is also accompanied by	of a total of sheets. a copy of each prior art document cited in this	s report.					
Basis of the report							
	international search was carried out on the bar less otherwise indicated under this item.	sis of the international application in the					
the international search w Authority (Rule 23.1(b)).	as carried out on the basis of a translation of t	the international application furnished to this					
b. With regard to any nucleotide an was carried out on the basis of the contained in the internation		nternational application, the international search					
	this Authority in written form.						
furnished subsequently to	this Authority in computer readble form.						
	osequently furnished written sequence listing d	does not go beyond the disclosure in the					
the statement that the info	ormation recorded in computer readable form i	s identical to the written sequence listing has been					
2. Certain claims were fou	nd unsearchable (See Box I).						
3. Unity of invention is lac	king (see Box II).						
4. With regard to the title,							
the text is approved as su	bmitted by the applicant.						
	hed by this Authority to read as follows:						
		•					
5. With regard to the abstract,							
X the text is approved as submitted by the applicant.							
the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.							
6. The figure of the drawings to be publ	ished with the abstract is Figure No.						
as suggested by the appli	cant.	None of the figures.					
because the applicant fail	ed to suggest a figure.						
because this figure better	characterizes the invention.						

PCT

NOTICE INFORMING THE APPLICANT OF THE **COMMUNICATION OF THE INTERNATIONAL** APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

CIBA SPECIALTY CHEMICALS HOLDING INC. Ressort P/TM/SII Patentabteilung Klybeckstrasse 141 9. Mai 2000 CH-4057 Basel SUISSE SES 28

From the INTERNATIONAL BUREAU

Date of mailing (day/month/year) 11 May 2000 (11.05.00)

Applicant's or agent's file reference

307/P121868/A

International application No.

PCT/EP99/07980

International filing date (day/month/year) 21 October 1999 (21.10.99)

Priority date (day/month/year)

IMPORTANT NOTICE

02 November 1998 (02.11.98)

Rov

Applicant

CIBA SPECIALTY CHEMICALS HOLDING INC et al

Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice: AU,CN,JP,KP,KR,MA,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,GE, GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MD,MG,MK,MN,MW,MX,NO,NZ,OA,

PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 11 May 2000 (11.05.00) under No. WO 00/25730

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

International Bureau f WIPO 34, chemin des Col mbettes 1211 G neva 20, Switzerland

Authorized officer

J. Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.83.38

3261573

PATENT COOPERATION TREATY PCT

INTERNATIONAL SEARCH REPORT

1

(PCT Article 18 and Rules 43 and 44)

•	reant's or agent's file reference FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.				
international ap	pplication No. International filing date (day/month/year) (Earliest) Priority Date (day/month/year)				ate (day/month/year)
PCT/EP 99/07980		21/10/1999		02/	11/1998
Applicant CIBA SPEC	IALTY CHEMICALS	HOLDING INCet al.			
according to A	urticle 18. A copy is being tra	n prepared by this international Se unsmitted to the international Bure	au.	and is transmitte	ed to the applicant
This internation	nal Search Report consists It is also accompanied by	a copy of each prior art document	t cited in this repo	rt.	
1. Basis of t a. With n	egard to the language, the	international search was carried o	ut on the basis of	the international	application in the
	•	as carried out on the basis of a tra		ternational applic	ation furnished to this
	arried out on the basis of the	d /or amino acid sequence disck e sequence listing : mal application in written form.	osed in the interna	itional application	n, the international search
片		mational application in computer i	readable form.		
H		this Authority in written form.			
ᆸ	•	this Authority in computer readible	e form.		
	the statement that the sub	psequently furnished written sequently furnished written sequently furnished.		not go beyond the	e disclosure in the
	the statement that the info furnished	ormation recorded in computer rea	dable form la iden	ntical to the writte	en sequence listing has been
2.	Certain claims were four	nd unsearchable (See Box I).			
3.	Unity of invention is lac	king (see Box II).			
4. With regar	rd to the title,				
<u>N</u>	the text is approved as su	bmitted by the applicant.			
Ш	the text has been establis	hed by this Authority to read as fo	llows:		
5. With regar	rd to the abstract ,				
ıxı	the text is approved as su	ibmitted by the applicant.			
	the text has been establis	hed, according to Rule 38.2(b), by date of mailing of this internation			
6. The figure	·	Ished with the abstract is Figure N	la.	_	
Ц	as suggested by the appl				None of the figures.
닏	because the applicant fall				
L	Decause this figure better	characterizes the invention.			

PC 99/07980

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K7/00 C11D1/00

According to international Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61K C11D C07D C08K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT						
Cettegory *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.				
X	FR 2 194 442 A (RICHTER GEDEON VEGYESZET) 1 March 1974 (1974–03–01) claims 1–10	1,5-7,14				
X	GB 2 286 774 A (CIBA GEIGY AG) 30 August 1995 (1995-08-30) claims 1-49	1,5-7,14				
X	US 3 983 132 A (STROBEL ALBERT F) 28 September 1976 (1976-09-28) claims 1-13; example 22	1,12,13, 15				
X	US 5 760 111 A (REMBOLD MANFRED ET AL) 2 June 1998 (1998-06-02) column 18, line 1 - line 25 claims 1-5	1,3,5-7, 10,12-15				
	-/					

Turner documents are listed in the continuation of box C.	Patent family members are listed in annex.
Special categories of cited documents: 'A" document defining the general state of the art which is not considered to be of particular relevance. 'E" earlier document but published on or after the international filing date. 'L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citedion or other special reason (as specified). 'O" document referring to an oral disclosure, use, exhibition or other means. 'P" document published prior to the international filing date but later than the priority date claimed.	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search	Date of malling of the international search report
6 March 2000	14/03/2000
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentiaan 2	Authorized officer
NL — 2290 HV Rijewijk Tel. (+31—70) 340—2040, Tx. 31 651 epo ni, Fac (+31—70) 340—3016	Stienon, P

Form PCT/ISA/210 (second sheet) (July 1992)

1

PC 99/07980

10	Man Document Company	PC 99/07980
gory *	etion) DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
い	US 5 688 995 A (LUTHER HELMUT ET AL) 18 November 1997 (1997-11-18) claims 1-8	1,3,5-7, 9,10, 12-15
	WO 96 28431 A (CIBA GEIGY AG ;FLETCHER IAN JOHN (CH); KASCHIG JUERGEN (DE); METZG) 19 September 1996 (1996-09-19) page 40, paragraph 3 -page 42, paragraph 2 example 28 claims 1-24	1,5-7, 10,12-15
	US 5 142 059 A (BURDESKA KURT ET AL) 25 August 1992 (1992-08-25) abstract claims 1-5	1,12,13, 15

1

International Application No. on patent family members PC 99/07980 **Publication** Patent document Patent family **Publication** cited in search report member(s) date 01-03-1974 FR 2194442 A HU 164662 B 28-03-1974 CH 583560 A 14-01-1977 1=1 DE 2338833 A 14-02-1974 NL 7310246 A 04-02-1974 GB 2286774 Α 30-08-1995 **AT** 188374 T 15-01-2000 17-12-1998 ΑU 700081 B AU 1665395 A 11-09-1995 BR 9506935 A 09-09-1997 DE 69514330 D 10-02-2000 WO 9522959 A 31-08-1995 EP 0746305 A 11-12-1996 JP 22-09-1997 9509421 US 5869030 A 09-02-1999 ZA 9501459 A 23-08-1995 US 3983132 Α 28-09-1976 CA 1077046 A 06-05-1980 CH 602676 A 31-07-1978 DE 2536779 11-03-1976 FR 2282462 A 19-03-1976 GB 1481775 A 03-08-1977 IT 1041807 B 10-01-1980 JP 1293977 C 16-12-1985 JP 51049719 A 30-04-1976 JP 60014062 B 11-04-1985 US 4096242 A 20-06-1978 US 4129521 A 12-12-1978 US **RE29596 E** 28-03-1978 US 5760111 Α 02-06-1998 AU 681196 B 21-08-1997 AU 7896794 A 01-06-1995 BR 9404689 A 18-07-1995 CA 2136272 A 24-05-1995 CZ 9402864 A 14-06-1995 EP 24-05-1995 0654469 A HU 68707 A 28-07-1995 JP 7233154 A 05-09-1995 PL 305938 A 29-05-1995 SK 140294 A 07-06-1995 US 5591850 A 07-01-1997 ZA 9409247 A 23-05-1995 US 5688995 18-11-1997 AU 712153 B 28-10-1999 5235796 A AU 28-11-1996 BR 9602339 A 01-09-1998 EP 20-11-1996 0743309 A JP 8337574 A 24-12-1996 NZ 286600 A 28-07-1998 W0 9628431 19-09-1996 AU 700194 B 24-12-1998 AU 4945596 A 02-10-1996 BR 9607477 A 23-12-1997 CA 2211749 A 19-09-1996 EP 0815089 A 07-01-1998 JP 11503112 T 23-03-1999 NO 974224 A 06-11-1997

A

25-08-1992

AU

US 5142059

634578 B

25-02-1993

Information patent family members

PC 99/07980

Patent document cited in search report	Publication date		itent family nember(s)	Publication date
US 5142059 A	<u> </u>	AU EP	6235690 A 0418198 A	14-03-1991 20-03-1991
-,		JP ZA	3118373 A 9007173 A	20-05-1991 29-05-1991

FOR THE PURPOSES OF INFORMATION ONLY

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AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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DE	Germany	LI	Liechtenstein	SD	Sudan		
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